

Nancy Curry, Chapter 13 Standing Trustee
1000 Wilshire Blvd., Suite 870
Los Angeles, CA 90017
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UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA LOS ANGELES DIVISION	
In re NIX, JACQUELINE E. Debtor	CHAPTER 13 CASE NO. 2:17-bk-24180-VZ NOTICE AND MOTION TO DISMISS CHAPTER 13 CASE (11 U.S.C. §§ 521(a) and LBR 3015-1(c)) NO HEARING REQUIRED

PLEASE TAKE NOTICE that the Chapter 13 Trustee will and hereby does move the Court for an order dismissing this case because of the debtor's failure to meet the Chapter 13 bankruptcy requirements as indicated in the below declaration.

DEADLINE FOR OPPOSITION AND REQUEST FOR HEARING

Local Bankruptcy Rule 9013-1 (o) (1) provides that any response and request for hearing must be filed and served not later than 14 days of the date of service. A party who responds to a Trustee's motion to dismiss must obtain a hearing date from the Court and give notice thereof with the response Local Bankruptcy Rule 3015-1 (w) (3).

DATED: January 23, 2019

/s/ Nancy Curry

I, Nancy Curry, in the above captioned matter declare:

1. I am the Chapter 13 Standing Trustee and am duly qualified to make this declaration.
As to the following facts, I know them to be true from my personal knowledge or I have gained knowledge of them from my business records which were maintained in the ordinary course of business made at or near the time of the acts, conditions, or events to which they relate. Any such document was prepared in the ordinary course of business by a person who has personal knowledge of the event being recorded and who had or has a business duty to record accurately such event.
2. I recommend that the Court dismiss this case because the Debtor has failed to comply with Chapter 13 requirements as set forth in the attached which is incorporated herein by reference.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Los Angeles, California on January 23, 2019 .

/s/ Nancy Curry

Case No. 2:17-bk-24180-VZ NIX, JACQUELINE E.

I recommend that the Court dismiss this case because the Debtor has failed to:

- ☐ meet the eligibility requirements for a Chapter 13 Debtor under 11 U.S.C. § 109(e) because Debtor's debts exceed the statutory maximum allowed for a Chapter 13 Debtor;
- ☐ meet the eligibility requirements for a Chapter 13 Debtor under 11 U.S.C. § 109(e) because Debtor does not have regular monthly income;
- ☐ provide valid proof of social security number at the Meeting of Creditors (Fed. R. Bankr. P. 4002(b));
- ☐ provide valid identification at the Meeting of Creditors (Fed. R. Bankr. P. 4002(b));
- ☐ file schedules, statements and/or plan (Fed. R. Bankr. P 1007 and 3015(b), 11 U.S.C. §§521(a)(1)(B) and 1321);
- ☐ provide evidence to the Court and the Trustee that the plan and/or the notice has been properly served (Fed. R. Bankr. P. 3015(f); 5003(3); LBR 3015-1(b)(3), (d)(1) & (g)(1));
- ☐ provide the Trustee evidence of current income (as well as any contributor's income) seven days before the 11 U.S.C. §341(a) Meeting of Creditors (11 U.S.C. § 521(a)(1), LBR 3015-1(c));
- ☐ meet the reporting requirements regarding debtor's business or self employment (LBR 3015-1(c)(4));
- ☒ provide to the Trustee complete copies of the required income tax returns (11 U.S.C. §§ 521(a)(1), 1308, LBR 3015-1(c)(3));
- ☐ disclose all previous and related cases in the petition and/or statements (LBR 1015-2);
- ☒ make all required plan payments (11 U.S.C. §§1307, 1326(a) and LBR 3015-1(k));
- ☒ tender evidence of all post petition mortgage payments to the Court for all real properties in which Debtor maintains an ownership interest (11 U.S.C. §1307 and LBR 3015-1(m));
- ☐ disclose all necessary expenses in Schedule J (11 U.S.C. §521(a)(1)(ii));
- ☐ disclose and provide adequately for ongoing debt obligations (11 U.S.C. §521(a)(1), 11 U.S.C. §1325(a)(6));
- ☐ propose a plan payment amount that will retire within the term of the plan (11 U.S.C. §1322(a) and (b));
- ☐ propose a plan that meets the liquidation requirements of 11 U.S.C. § 1325(a)(4); and
- ☒ timely address the issues set forth in the Trustee's objection to confirmation.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

Nancy Curry, Chapter 13 Trustee
1000 Wilshire Blvd., Suite 870
Los Angeles, CA 90017

A true and correct copy of the foregoing document entitled (specify): **NOTICE AND MOTION TO DISMISS CHAPTER 13 CASE** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On January 23, 2019, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Julie J Villalobos julie@oaktreelaw.com, oakecfmail@gmail.com; villalobosjr51108@notify.bestcase.com

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Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On January 23, 2019, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addresses as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor

Attorney for Debtor

Jacqueline E. Nix
24107 Cross Street
Newhall, CA 91321

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Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):

Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on January 23, 2019, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Honorable Vincent P. Zurzolo
U.S. Bankruptcy Court
Bin outside of Suite 1360

255 E. Temple St, Los Angeles, CA 90012

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Service information continued on attached page

I declare under penalty of perjury under laws of the United States that the foregoing is true and correct.

January 23, 2019
Date

Paul Ochoa
Printed Name

/s/ Paul Ochoa
Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

June 2012

F 9013-3.1.PROOF.SERVICE

Jacqueline E. Nix
24107 Cross Street
Newhall, CA 91321